

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney
PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
VIVIAN F. WANG (CABN 277577)
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7431
Fax: (415) 436-6570
Email: Vivian.Wang@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|---------------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. CR 21-00260-001 WHO |
| Plaintiff, |) | |
| v. |) | WRIT OF CONTINUING GARNISHMENT |
| STEPHANIE SIMONTACCHI, |) | |
| Defendant, |) | (BANK ACCOUNTS) |
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| BMO BANK N.A., |) | |
| Garnishee. |) | |
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TO: BMO/Bank of the West
Legal Order Processing
2299 Market Street
San Francisco, CA 94114
DPO.Garnishments@bmo.com

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YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE DEFENDANT-JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.

The name, last known address, and last four digits of the social security number of the person who is the defendant-judgment debtor (“defendant”) in this action and whose property is subject to this Writ are, as follows:

Stephanie Simontacchi
315 Bassett Street
Petaluma, CA 94952

Social Security Number (last four digits): XXX-XX-8296

This Writ has been issued pursuant to a stipulation between the United States of America and Stephanie Simontacchi, and an order issued pursuant to that stipulation, to enforce the collection of a criminal judgment entered in favor of the United States against the defendant for a debt in the original amount of \$783,735.06. As of October 11, 2024, there is a balance due of approximately \$820,909.93, plus interest.¹ Interest accrues at the rate of 3.12% per annum.

The following are the steps that you must take to comply with this Writ. If you have any questions, you should consult with your attorney.

1. Pursuant to 28 U.S.C. § 3205(c)(2)(F) and the terms of the stipulation and order filed in the above referenced case, you must immediately withhold and retain property of the defendant in which the defendant has a substantial nonexempt interest, or if you obtain custody, control, or possession of such property while this Writ is in effect, until you receive instructions from the United States regarding distribution and payment of the property at issue. Such property includes the accounts endings in -9931 and -9949, in the name of Stephanie Simontacchi (“Accounts”).

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¹ Defendant has informed the United States that since approximately May 2020, she has made direct payments totaling approximately \$108,000 to victim Cumis Insurance Society, Inc. (“Cumis”). The above-referenced figure for Defendant’s outstanding balance on the judgment debt apparently does not reflect the full extent of direct payments Defendant has made to Cumis. *Cf.* Dkt. No. 41 (Sept. 22, 2022 Order on Stipulation, which noted that \$82,000 of Defendant’s direct payments to Cumis was taken into account when determining the restitution amount owed to Cumis.) The United States will make efforts to confer with Cumis to get Defendant’s direct payments appropriately credited with the Clerk of the Court.

2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within **10 days** after service of this Writ upon you. You must answer the Writ even if you do not have in your custody, control, or possession, any property of the defendant. Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following information:

- a. Whether or not you have in your custody, control, or possession, any property owned by the defendant in which the defendant has a substantial nonexempt interest;
- b. a description of such property and the value of such property;
- c. a description of any previous garnishments to which such property is subject and the extent to which any remaining property is not exempt; and
- d. the amount of the debt you anticipate owing to the defendant in the future and whether the period for payment will be weekly or another specified period.

For your convenience, a form which addresses the above-requested information is attached and may be used to answer the Writ.

3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and (c)(4), **within ten (10) days** after service of this Writ upon you, you must **mail or deliver** the original answer bearing the original signature of the person preparing the answer to the Court at the following address:

Clerk, United States District Court
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

At the same time you mail or deliver the original answer to the Court, you must also **mail or deliver** a copy of the original answer to both the defendant and attorney for the United States at the following respective addresses:

Stephanie Simontacchi
315 Bassett Street
Petaluma, CA 94952

Vivian F. Wang
Assistant U.S. Attorney
450 Golden Gate Avenue, 9th Floor
P.O. Box 36055
San Francisco, CA 94102

1 Please note that the attached answer form contains a **certificate of service** which needs to be
2 completed by the person mailing the copies of the answer to the defendant and the attorney for the
3 United States, and which needs to be filed with the Court along with the answer.

4 4. In accordance with the terms of the stipulation and order, you must liquidate the account
5 ending in -9949 in the amount of \$65,070.79, and pay the funds from the liquidation, according the
6 instructions in the order.

7 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN**
8 **ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT**
9 **FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE**
10 **WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE**
11 **THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO**
12 **SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT**
13 **WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT'S**
14 **NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE**
15 **EARNINGS). THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO**
16 **THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN**
17 **THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION**
18 **REQUIRING YOU TO APPEAR.**

19 MARK B. BUSBY,
20 Clerk of Court
21 United States District Court
for the Northern District of California

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23
24 Dated: 10/15/2024

By: 
Thelma Nudo
Deputy Clerk

